

HOUSE BILL 216

By Daniel

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 5, Part 2, relative to rulemaking.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-5-202(a)(2), is amended by deleting the language “twenty-five (25)” each time that it appears and substituting instead the language “ten (10)”.

SECTION 2. Tennessee Code Annotated, Section 4-5-208(a)(4), is amended by deleting the language “might jeopardize” and substituting instead the language “jeopardizes”.

SECTION 3. Tennessee Code Annotated, Section 4-5-215(b), is amended by deleting the language “sixty (60)” and substituting instead the language “seventy-five (75)”.

SECTION 4. Tennessee Code Annotated, Section 4-5-215(b), is further amended by deleting the language “seventy-five-day” each time that it appears and substituting instead the language “ninety-day”.

SECTION 5. Tennessee Code Annotated, Section 4-5-226(c), is amended by deleting the first sentence and substituting instead the following language:

Rules promulgated pursuant to this chapter shall be reviewed by the government operations committees of the senate and the house of representatives meeting jointly or separately, or, alternatively, at the discretion of the chair of either of such committees, by a subcommittee of the government operations committees.

SECTION 6. Tennessee Code Annotated, Section 4-5-226(e), is amended by adding the following language as new subdivisions:

- ( ) Arbitrariness and capriciousness;
- ( ) Effect of the rule on small business;

SECTION 7. Tennessee Code Annotated, Section 4-5-226(f), is amended by adding the following language as new subdivisions:

( ) “Arbitrariness and capriciousness” means a willful and unreasonable agency action without consideration of or in disregard of facts or law;

( ) “Effect” means the change that results from the promulgation, implementation, and enforcement of the rule;

SECTION 8. Tennessee Code Annotated, Section 4-5-226(j)(1), is amended by deleting the language “fails to” and substituting instead the language “fails, in its judgment, to”.

SECTION 9. Tennessee Code Annotated, Section 4-5-226(j)(1), is further amended by deleting the language “shall be posted on the administrative register web site” and substituting instead the language “shall be posted, by the secretary of state, to the administrative register on the secretary of state’s web site”.

SECTION 10. This act shall take effect July 1, 2015, the public welfare requiring it.